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Substantively Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities LLC  
and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

KRELLENSTEIN FAMILY LIMITED  
PARTNERSHIP II OF 1999, a Delaware limited  
partnership, KRELLENSTEIN FAMILY  
ENTERPRISES, INC., a Delaware corporation,  
ELY KRELLENSTEIN REVOCABLE TRUST  
OF 1994, a Florida trust, ELY KRELLENSTEIN,  
as settlor, as trustee, and as an individual,  
SHIRLEY KRELLENSTEIN REVOCABLE  
TRUST OF 1994, a Florida trust, and SHIRLEY  
KRELLENSTEIN, as settlor, as trustee, and as an  
individual,

Defendants.

Adv. Pro. No. 10-04661 (SMB)

**NOTICE OF MEDIATOR SELECTION**

On November 10, 2010, this Court entered the Order (1) Establishing Litigation Case Management Procedures for Avoidance Actions and (2) Amending the February 16, 2010 Protective Order (the “Order”)<sup>1</sup> [Adv. Pro. No. 08-01789 (SMB), Dkt. No. 3141]. Pursuant to the Notice of Applicability filed by Plaintiff Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* (“SIPA”), and the substantively consolidated estate of Bernard L. Madoff individually (“Madoff”), in this Adversary Proceeding on December 1, 2010 [Dkt. No. 2], the Order and the avoidance procedures contained therein (the “Avoidance Procedures”) are applicable to the instant matter.

Pursuant to the Avoidance Procedures, on November 12, 2014 the Trustee filed with this Court the Notice of Mediation Referral [Dkt. No. 31], wherein the Trustee provided notice that this adversary proceeding is referred to mediation prior to discovery without further court order upon the filing of a motion to dismiss by Defendants.

Through this Notice of Mediator Selection, and pursuant to the Avoidance Procedures and the Mediation Order, made applicable to the Trustee and Defendants (the “Parties”) upon the filing of the Notice of Mediation Referral, the Parties hereby mutually select from the Mediation Register Deborah A. Reperowitz, from the law firm of Troutman Sanders LLP, to act as Mediator in this matter. The Parties further agree to contact Ms. Reperowitz as soon as practicable after this Notice of Mediator Selection is filed with the Court.

The Parties further agree that no person shall act as Mediator if that person, or that person’s law firm, currently represents a party with respect to the BLMIS proceeding, unless the Parties provide prior written consent that the person may act as Mediator.

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<sup>1</sup> All terms not defined herein shall be given the meaning ascribed to them in the Order.

Pursuant to the Avoidance Procedures, the Parties agree that this mediation will conclude within 120 days from the date that this Notice of Mediator Selection is filed, unless that deadline is extended by mutual consent of the Parties and the Mediator.

Dated: New York, New York  
November 13, 2014

Of Counsel:

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